THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7189 of 2007

Dated:03.07.2007

Between:

Mr.G.Joshua, S/o.G.Prakasam.

…Petitioner

and

The Mandal Revenue Officer, Ramachandrapuram Mandal, Ramachandrapuram, Medak District, and others.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7189 of 2007

ORDER:

The petitioner's father was statedly an Ex-serviceman. He was allotted agricultural land in an extent of Ac.1.30 guntas in Survey No.327 and Ac.1.10 guntas in Survey No.325 situated at Tellapur Village of Ramachandrapuram Mandal in Medak District, in 1969. The petitioner's father died on 19.06.2001, and the petitioner became the legal heir, who succeeded to the property. The petitioner approached the revenue authorities for obtaining mutation in his name and also for pattadar pass books and title deeds. At that stage, he came to know that till 1985, in the revenue records the land was shown in the name of his father, and subsequently, it was shown as "Gairan". Therefore, he approached the revenue authorities for rectification of the entries in the revenue records, in vain. He filed W.P.No.23534 of 2004, which was disposed of on 23.12.2004, directing the first respondent to consider the representation of the petitioner for rectification of entries in the revenue records. After conducting enquiry, the revenue authorities issued a letter in September 2006 addressed to the Vice Chairman and Managing Director, Hyderabad Urban Development Authority, to the effect that the land is in possession of the petitioner, and that there is no record to show that the name of his father was removed from the revenue records. It is alleged that respondent No.5 – local M.L.A, and respondent No.4 – District Collector, decided to take the land of the petitioner. It is also alleged that respondent No.6 – District Revenue Officer, also brought the proposal requesting the petitioner to sell the

land to Sri S.Harish for an amount of Rs.21 lakhs, which the petitioner refused. Thereafter, the first respondent by memo dated 19.02.2007 informed the petitioner that the assignment made in favour of the petitioner's father was cancelled on 21.04.1984. The petitioner then approached the first respondent for obtaining a copy of the proceedings of the Tahasildar dated 21.04.1984. By memo dated 22.03.2007 he was informed that the copies of the proceedings cannot be furnished as the file is not found in the Record Section. The petitioner alleges that the assignment made in favour of his father was never cancelled and that after the death of his father, he is continuing in possession. It is also alleged that the impugned memo was issued with an ulterior motive informing that there was cancellation of assignment.

At the stage of admission itself, a counter affidavit is filed. The factum of assignment of land in favour of the petitioner's father is not disputed. It is stated that as the petitioner's father sold away the land to Industrial Employees Co-operative House Building Society, Bandlaguda, under registered sale deed dated 14.10.1982, action was initiated for cancellation of assignment, and that after issuing notice to the petitioner's father, final orders were passed on 21.04.1984. It is also alleged that the petitioner is not in possession of the property. Explaining the issue of memo, dated 22.03.2007, the Tahasildar states that the file was in the personal custody of the Revenue Divisional Officer, Sanga Reddy.

Learned Counsel for the petitioner disputed the cancellation of assignment in favour of his father. Therefore, this Court has directed the learned Assistant Government Pleader to produce the file. After perusing the file produced in this Court today, it is revealed that a show cause notice was issued to the petitioner's father on 22.03.1984, under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'), and thereafter, the Tahasildar, Sanga Reddy, issued proceedings No.A5/8176/81, dated 21.04.1984, cancelling the assignment made in favour of the petitioner's father and 84 others. Insofar as the other allegations made in the affidavit regarding the proposal of the District Revenue Officer is concerned, the purchase of land on behalf of somebody, and preparation of agreement of documents etc., have been denied by the respondents, who have filed separate counter affidavits. Therefore, this Court is not inclined to go into these questions.

Now that an order is passed way back in 1984 cancelling the assignment in favour of Golla Prakasham, the remedy of the petitioner is to file an appeal under Section 4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The

submission of the learned Counsel for the petitioner that even if the assigned land is resumed on the ground that it is transferred in contravention of the provisions of the Act and the Rules, the land has to be restored to the legal heirs of the assignee, is a question which can as well be gone into by the Revenue Divisional Officer. The question is left open. The copy of the proceedings No.A5/8176/81, dated 21.04.1984, passed by the Tahasildar, Sanga Reddy, is handed over to the learned Counsel for the petitioner. Liberty is given to the petitioner to file an appeal within a period of two weeks from the date of receipt of a copy of this order. As and when the appeal is filed enclosing a copy of the proceedings of the Tahasildar handed over to the learned Counsel for the petitioner, the Revenue Divisional Officer shall entertain the same and pass appropriate orders within a period of eight weeks thereafter. As the petitioner states that he is continuing in possession of the property, which is denied, it would be better if the parties maintain *status quo* as on today.

The Writ Petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

03.07.2007
vs